

REMARKS**Objections to the Claims**

In addition to claims 35, 36, 40, 55, 56, and 66 as listed in the Office Action Summary, the Examiner has objected to claims 1 and 17. Applicants have amended claims 1 and 17 herein consistent with the Examiner's objection.

Rejections of the Claims**35 U.S.C. 102 Claim Rejections**

The Examiner has rejected claims 1, 2, 10, 11, 13, 14, 16, 32, 37, 38, 50, 52, 53, 57-64, and 67 under 35 U.S.C. 102(e) as being anticipated by Ramaswami et al. (U.S. Patent No. 6,597,826), hereinafter referred to as *Ramaswami*.

Applicants have amended claims 1, 32, and 57 herein to recite a communication network and/or method "...wherein said switch fabric(s) transmit data (streams) encapsulated in **fixed sized chunk payloads...**" That is, Applicants recite a system in which information passed through the switch fabric is encapsulated in substantially uniform-sized chunks.

Applicants' amendments of claims 1, 32, and 57 are disclosed among other places in the detailed description on pages 11-13, which has been amended to incorporate by reference page 9, line 9 through page 10, line 6 of co-pending and commonly assigned U.S. Patent Application Serial No. 09/703,038. Applicants' amended specification discloses **chunks having uniform sized payloads**, each containing for example 400 bytes, **encapsulating variable numbers of variable sized packet segments**. No new matter is introduced by Applicants' amendments to the specification or to claims 1, 32, and 57.

The Examiner asserts that the limitation of uniform-sized payloads is taught by the combination of *Ramaswami* and Woodward et al. (U.S. Patent No. 6,151,318), hereinafter referred to as *Woodward*. Applicants respectfully traverse the Examiner's assertion regarding this teaching of the combination of *Ramaswami* and *Woodward*. To the contrary, *Woodward* describes in connection with Figures 1-3 **a packet having a variable sized payload which in turn encapsulates uniform sized ATM cells**. No combination of *Ramaswami* and

Woodward teaches or suggests passing encapsulated information through a switch fabric in **substantially uniform-sized chunk payloads**.

Since the Examiner's references *Ramaswami* and *Woodward* neither individually nor in combination teach each and every limitation of claim 1, 32, and 57 as amended herein, Applicants respectfully request the Examiner to withdraw his rejection of claim 1, 32, and 57 under 35 U.S.C. 102(e) as being anticipated by *Ramaswami*. Applicants further submit that claims 1, 32, and 57 as amended are not unpatentable under 35 U.S.C. 103(a) over *Ramaswami* in view of *Woodward* and therefore allowable, and respectfully request the Examiner to pass claims 1, 32, and 57 as amended to issue.

Claims 2-16, 33-56, and 58-67 depend either directly or indirectly from base claims 1, 32, and 57 as amended, and accordingly inherit all of the limitations of their respective base claims. Since claims 1, 32, and 57 as amended are allowable, therefore claims 2-16, 33-56, and 58-67 are also allowable for the same reasons. Applicants respectfully request the Examiner to withdraw his 35 U.S.C. 102(e) rejections of claims 2, 10, 11, 13, 14, 16, 37, 38, 50, 52, 53, 58-64, and 67 and to pass claims 2, 10, 11, 13, 14, 16, 37, 38, 50, 52, 53, 58-64, and 67 to issue.

35 U.S.C. 103 Claim Rejections

Unpatentable Over Ramaswami

The Examiner has rejected claims 3-9 under 35 U.S.C. 103(a) as being unpatentable over *Ramaswami*. Claims 3-9 depend indirectly from base claim 1 as amended, and accordingly inherit all of the limitations of base claim 1. Since claim 1 as amended is allowable for the reasons set forth above, therefore claims 3-9 are likewise allowable for the same reasons. Applicants respectfully request the Examiner to withdraw his 35 U.S.C. 103(a) rejections of claims 3-9 and to pass claims 3-9 to issue.

Combination of Ramaswami and Cloonan

The Examiner has rejected claims 12 and 51 under 35 U.S.C. 103(a) as being unpatentable over *Ramaswami* in view of Cloonan et al. (U.S. Patent No. 5,724,352), hereinafter referred to as *Cloonan*. Separately, the Examiner has rejected additional claims

17-29, 31, and 42-49 under 35 U.S.C. 103(a) as being unpatentable over *Ramaswami* in view of *Cloonan*.

Applicants have amended claim 17 herein to recite similarly to claims 1, 32, and 57, as amended, a communication network and/or method "...wherein said switch fabric(s) transmit data (streams) encapsulated in **fixed sized chunk payloads**..." That is, Applicants recite a system in which information passed through the switch fabric is encapsulated in substantially uniform-sized chunks. No new matter is introduced by Applicants' amendment to claim 17.

Applicants' arguments above distinguish the limitations recited in claim 17 as amended over the teachings of the combination of *Ramaswami* and *Woodward*. Since the Examiner's cited references *Ramaswami* and *Woodward* neither individually nor in combination teach each and every limitation of claim 17 as amended herein, Applicants respectfully request the Examiner to withdraw his rejection of claim 17 under 35 U.S.C. 103(a) as being unpatentable over *Ramaswami* in view of *Cloonan*. Applicants further submit that claim 17 as amended is not unpatentable under 35 U.S.C. 103(a) over *Ramaswami* in view of *Woodward* and is therefore allowable, and respectfully request the Examiner to pass claim 17 as amended to issue.

Claims 12, 18-29, 31, 42-49, and 51 depend indirectly from base claims 1, 17, and 32 as amended, and accordingly inherit all of the limitations of base claims 1, 17, and 32. Since claims 1, 17, and 32 as amended are allowable for the reasons set forth above, therefore claims 12, 18-29, 31, 42-49, and 51 are likewise allowable for the same reasons. Applicants respectfully request the Examiner to withdraw his 35 U.S.C. 103(a) rejections of claims 12, 18-29, 31, 42-49, and 51, and to pass claims 12, 18-29, 31, 42-49, and 51 to issue.

Combination of Ramaswami and Hurtta

The Examiner has rejected claims 15 and 39 under 35 U.S.C. 103(a) as being unpatentable over *Ramaswami* in view of Hurtta et al. (U.S. Patent No. 6,226,261), hereinafter referred to as *Hurtta*. Claims 15 and 39 depend indirectly from base claims 1 and 32 as amended, and accordingly inherit all of the limitations of base claims 1 and 32. Since claims 1 and 32 as amended are allowable for the reasons set forth above, therefore claims 15

and 39 are likewise allowable for the same reasons. Applicants respectfully request the Examiner to withdraw his 35 U.S.C. 103(a) rejections of claims 15 and 39 and to pass claims 15 and 39 to issue.

Combination of Ramaswami / Cloonan / Hurtta

The Examiner has rejected claim 30 under 35 U.S.C. 103(a) as being unpatentable over *Ramaswami* in view of *Cloonan* as applied to the claims 17-29, 31, and 42-49 above, and further in view of *Hurtta*. Claim 30 depends indirectly from base claim 17 as amended, and accordingly inherits all of the limitations of base claim 17. Since claim 17 as amended is allowable for the reasons set forth above, therefore claim 30 is likewise allowable for the same reasons. Applicants respectfully request the Examiner to withdraw his 35 U.S.C. 103(a) rejection of claim 30 and to pass claim 30 to issue.

Combination of Ramaswami and Woodward

The Examiner has rejected claims 33, 34, 41, 54, and 65 under 35 U.S.C. 103(a) as unpatentable over *Ramaswami* in view of *Woodward*. Claims 33, 34, 41, 54, and 65 depend either directly or indirectly from base claims 32 and 57, and accordingly inherit all of the limitations of their respective base claim 32 or 57 as amended. Since claims 32 and 57 as amended are allowable for the reasons set forth above, therefore claims 33, 34, 41, 54, and 65 are likewise allowable for the same reasons. Applicants respectfully request the Examiner to withdraw his 35 U.S.C. 103(a) rejection of claims 33, 34, 41, 54, and 65 and to pass claims 33, 34, 41, 54, and 65 to issue.

35 U.S.C. 112 Claim Rejections

The Examiner asserts that claims 35, 36, 40, 55, and 66 would be allowable if rewritten to overcome rejection(s) under 35 U.S.C. 112, second paragraph. However, Applicants could find no grounds for such a rejection in the current Office Action. In any event, claims 35, 36, 40, 55, and 66 depend indirectly from base claims 32 and 57, and accordingly inherit all of the limitations of their respective base claims as amended. Since claims 32 and 57 as amended are allowable for the reasons set forth above, therefore claims 35, 36, 40, 55, and 66 are likewise allowable for the same reasons. Applicants respectfully

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request the Examiner to withdraw any rejection or objection of claims 35, 36, 40, 55, and 66 and to pass claims 35, 36, 40, 55, and 66 to issue.

Conclusion

In view of the above, each of the presently pending claims 1-67 as amended in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 06-2380, under Order No. 59182/P014US/10021643 from which the undersigned is authorized to draw.

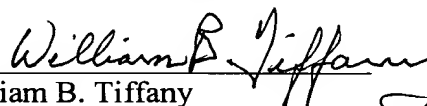
Dated: April 13, 2004

hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No EV482736492US, in an envelope addressed to: MS Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: April 13, 2004

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